

ESTTA Tracking number: **ESTTA382324**

Filing date: **12/07/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Entrepreneur Media, Inc.
Granted to Date of previous extension	12/08/2010
Address	2445 McCabe Way Irvine, CA 92614 UNITED STATES
Attorney information	Jennifer L. Barry Latham & Watkins LLP 600 West Broadway, Suite 1800 San Diego, CA 92101-3375 UNITED STATES jennifer.barry@lw.com, ipdocket@lw.com Phone:(619) 236-1234

Applicant Information

Application No	77964153	Publication date	08/10/2010
Opposition Filing Date	12/07/2010	Opposition Period Ends	12/08/2010
Applicant	Daniel R. Castro 10509 Pointe View Dr Austin, TX 78738 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2009/06/02 First Use In Commerce: 2010/02/03
All goods and services in the class are opposed, namely: Conducting workshops and seminars in entrepreneurship

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------


Marks Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ENTREPRENEUR		
Goods/Services	educational services, namely, conducting seminars on the development and operation of businesses, and conducting work shops on computer technology, telecommunications, marketing,		


	financing options, real estate management, tax planning and insurance
--	-----------------------------------------------------------------------

U.S. Registration No.	2263883	Application Date	11/13/1995
Registration Date	07/27/1999	Foreign Priority Date	NONE
Word Mark	ENTREPRENEUR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1992/07/00 First Use In Commerce: 1992/07/00 Advertising and business services, namely, arranging for the promotion of the goods and services of others by means of a global computer network and other computer online services providers; providing business information for the use of customers in the field of starting and operating small businesses and permitting customers to obtain information via a global computer network and other computer online service providers and; web advertising services, namely, providing active links to the websites of others		

U.S. Registration No.	1453968	Application Date	05/14/1985
Registration Date	08/25/1987	Foreign Priority Date	NONE
Word Mark	ENTREPRENEUR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1983/05/19 First Use In Commerce: 1983/05/19 COMPUTER PROGRAMS AND PROGRAMS USER MANUALS ALL SOLD AS A UNIT Class 016. First use: First Use: 1978/05/02 First Use In Commerce: 1978/05/02 PAPER GOODS AND PRINTED MATTER; NAMELY MAGAZINES, BOOKS AND PUBLISHED REPORTS PERTAINING TO BUSINESS OPPORTUNITIES		

U.S. Registration No.	2502032	Application Date	11/06/2000
Registration Date	10/30/2001	Foreign Priority Date	NONE
Word Mark	ENTREPRENEUR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1991/10/18 First Use In Commerce: 1991/10/18		

	<p>Arranging And Conducting Trade Show Exhibitions In The Field Of Entrepreneurial Activities, Namely The Start-Up And Operation Of Small Business Enterprises</p> <p>Class 041. First use: First Use: 1991/10/18 First Use In Commerce: 1991/10/18 Educational Services, Namely, Conducting Seminars On The Development And Operation Of Businesses, And Conducting Work Shops On Computer Technology, Telecommunications, Marketing, Financing Options, Real Estate Management, Tax Planning And Insurance</p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

U.S. Registration No.	3520633	Application Date	08/03/2005
Registration Date	10/21/2008	Foreign Priority Date	NONE
Word Mark	ENTREPRENEUR		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1989/09/00 First Use In Commerce: 1989/09/00 Pre-recorded audio and visual media namely CDs, videotapes, audiotapes, and floppy discs featuring programs geared to business owners and interested members of the general public concerning starting, owning and operating businesses</p> <p>Class 041. First use: First Use: 1997/11/01 First Use In Commerce: 1997/11/01 Production of radio and television programs geared to business owners and interested members of the general public concerning starting, owning and operating businesses</p>		

U.S. Registration No.	3519022	Application Date	07/10/2007
Registration Date	10/21/2008	Foreign Priority Date	NONE
Word Mark	ENTREPRENEUR.COM		

Design Mark	ENTREPRENEUR.COM
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2002/09/00 First Use In Commerce: 2002/09/00 Downloadable podcasts in the field of business, current events, lifestyle issues, and developments in science and technology</p> <p>Class 035. First use: First Use: 2002/09/00 First Use In Commerce: 2002/09/00 Providing business information and advice via a web site on a global computer network</p> <p>Class 038. First use: First Use: 2002/09/00 First Use In Commerce: 2002/09/00 Broadcasting programs via a global computer network; and streaming of audio and video material via the Internet; telecommunications services, namely, transmission of podcasts</p>

U.S. Registration No.	3652950	Application Date	08/01/2008
Registration Date	07/14/2009	Foreign Priority Date	NONE
Word Mark	ENTREPRENEUR CONNECT		
Design Mark	ENTREPRENEUR CONNECT		
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 2008/07/16 First Use In Commerce: 2008/07/16 ONLINE BUSINESS NETWORKING SERVICES IN THE NATURE OF CREATING AND HOSTING A COMMUNITY FOR REGISTERED USERS TO CREATE PROFESSIONAL PROFILES, TO PARTICIPATE IN GROUP DISCUSSIONS, TO MAKE BUSINESS CONTACTS, AND TO UPLOAD ONTO THE WEBSITE MATERIALS PROMOTING THEIR BUSINESSES, PRODUCTS AND SERVICES</p>		

U.S. Registration No.	3266532	Application Date	12/07/2006
Registration Date	07/17/2007	Foreign Priority Date	NONE
Word Mark	ENTREPRENEURENESPANOL.COM		
Design Mark	ENTREPRENEURENESPANOL.COM		

Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2006/10/13 First Use In Commerce: 2006/10/13 Advertising and business services, namely, arranging for the promotion of goods and services of others by means of a global computer network and other computer online service providers; providing business information for the use of customers in the field of starting and operating businesses and permitting customers to obtain the aforesaid information via a global computer network and other computer online service providers; Internet advertising services, namely, promoting the goods and services of others by providing a web site with active links to their websites featuring their goods and services

U.S. Registration No.	2391145	Application Date	04/02/1999
Registration Date	10/03/2000	Foreign Priority Date	NONE
Word Mark	ENTREPRENEUR EXPO		
Design Mark	<p style="text-align: center;">ENTREPRENEUR EXPO</p>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1991/10/18 First Use In Commerce: 1991/10/18 Arranging And Conducting Trade Show Exhibitions In The Field Of Entrepreneurial Activities, Namely The Start-Up And Operation Of Small Business Enterprises		

U.S. Registration No.	2408039	Application Date	05/20/1999
Registration Date	11/28/2000	Foreign Priority Date	NONE
Word Mark	ENTREPRENEUR MAGAZINE'S SMALL BUSINESS EXPO		
Design Mark	<p style="text-align: center;">ENTREPRENEUR MAGAZINE'S SMALL BUSINESS EXPO</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1993/12/08 First Use In Commerce: 1993/12/08 Promoting And Arranging Shows And Exhibitions Pertaining To Fields Of Entrepreneurial Interest, Franchising, And The Initiation And Operation Of Small Business Enterprises</p> <p>Class 041. First use: First Use: 1993/12/08 First Use In Commerce: 1993/12/08 Educational Services, Namely, Conducting Seminars And Work Shops On Subjects Relevant To Starting And Operating Small Businesses, Including Computer Technology, Telecommunications, Marketing, Financing Options, Franchising, Tax Planning And Insurance</p>		

U.S. Registration No.	3470064	Application Date	07/16/2007
Registration Date	07/22/2008	Foreign Priority	NONE

		Date	
Word Mark	ENTREPRENEUR PRESS		
Design Mark	<p style="text-align: center;">ENTREPRENEUR PRESS</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1999/04/00 First Use In Commerce: 1999/04/00 Paper goods and printed matter, namely, books, manuals, prepared reports, work books, study guides, legal and business forms, and newsletters concerning advice and information relating to the subjects of starting, running and operating a business, and individuals who succeeded in business, which subjects are of interest to entrepreneurs, new and existing businesses and members of the general public</p> <p>Class 035. First use: First Use: 1999/04/00 First Use In Commerce: 1999/04/00 On-line ordering services featuring printed and electronically downloadable publications, namely, books, study guides, legal and business forms, and newsletters, concerning advice and information relating to the subjects of starting, running and operating a business and individuals who succeeded in business, which subjects are of interest to entrepreneurs, new and existing businesses and members of the general public</p>		

U.S. Registration No.	3204899	Application Date	03/27/2006
Registration Date	02/06/2007	Foreign Priority Date	NONE
Word Mark	ENTREPRENEUR'S STARTUPS		
Design Mark	<p style="text-align: center;">ENTREPRENEUR ' S STARTUPS</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 2006/01/27 First Use In Commerce: 2006/01/27 Paper goods and printed matter; namely, magazines, books, booklets and published reports pertaining to business opportunities</p>		

U.S. Registration No.	3374476	Application Date	06/25/2007
Registration Date	01/22/2008	Foreign Priority Date	NONE
Word Mark	WOMENENTREPRENEUR.COM		
Design Mark	<p style="text-align: center;">WOMENENTREPRENEUR . COM</p>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2007/05/01 First Use In Commerce: 2007/05/01		

	<p>Dissemination of advertising for others via the Internet; providing business information about small business operations via the internet; providing an online searchable database featuring business reports, advice and information regarding starting and operating small businesses</p> <p>Class 038. First use: First Use: 2007/05/01 First Use In Commerce: 2007/05/01</p> <p>Providing online electronic bulletin boards for transmission of messages among computers users concerning small business operations</p>
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Attachments	<p>76159837#TMSN.gif (1 page)(bytes)</p> <p>78685136#TMSN.jpeg (1 page)(bytes)</p> <p>77226387#TMSN.jpeg (1 page)(bytes)</p> <p>76691766#TMSN.gif (1 page)(bytes)</p> <p>76670060#TMSN.gif (1 page)(bytes)</p> <p>75673295#TMSN.gif (1 page)(bytes)</p> <p>75711195#TMSN.gif (1 page)(bytes)</p> <p>76679564#TMSN.gif (1 page)(bytes)</p> <p>76657293#TMSN.gif (1 page)(bytes)</p> <p>76678925#TMSN.gif (1 page)(bytes)</p> <p>DOC.PDF (7 pages)(83898 bytes)</p>
-------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jennifer Barry/
Name	Jennifer L. Barry
Date	12/07/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re the Application of Daniel R. Castro
 Serial No. 77/964,153
 Filed: March 20, 2010
 Trademark: **ENTREPRENEUR.OLGY**
 Published: August 10, 2010

Entrepreneur Media, Inc.,)	OPPOSITION NO. _____
a California corporation,)	
)	
Opposer,)	
v.)	
)	
Daniel R. Castro,)	
an individual,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

United States Patent and Trademark Office
 Trademark Trial and Appeal Board
 P.O. Box 1451
 Alexandria, VA 22313-1451

Dear Sir or Madam:

Entrepreneur Media, Inc. (“EMI”), a California corporation, with a place of business located at 2445 McCabe Way, Irvine, California 92614, believes that it will be damaged by registration of the mark **ENTREPRENEUR.OLGY** for “*conducting workshops and seminars in entrepreneurship*” in International Class 41, as shown in application No. 77/964,153 referenced above. Therefore, in accordance with the provisions of Section 13 of the Trademark Act (15 U.S.C. §1063), EMI hereby opposes the application of Daniel R. Castro (“Applicant”) for the mark **ENTREPRENEUR.OLGY**.

As grounds for the opposition, EMI alleges as follows:

1. EMI, and its predecessors in interest, have been and are now engaged in the business of developing, creating, distributing, marketing, advertising, and selling magazines, books, catalogs, pamphlets, brochures, and published reports containing information and advice concerning how to successfully start and operate various kinds of businesses and businesses in general, as well as identifying various types of available franchises, home office businesses and other business opportunities, and products and services relevant or of possible interest to such businesses including educational services, namely, conducting seminars and workshops relating to the development and operation of businesses. The mark **ENTREPRENEUR** has at all times been used in, on or with the aforementioned goods and services.

2. Prior to June 2, 2009, the first date of use claimed in Applicant's trademark application, EMI adopted and used the mark **ENTREPRENEUR** in connection with *educational services, namely, conducting seminars on the development and operation of businesses, and conducting work shops on computer technology, telecommunications, marketing, financing options, real estate management, tax planning and insurance.*

3. EMI first adopted and used the mark **ENTREPRENEUR** for magazines at least as early as May 2, 1978, and has used the mark **ENTREPRENEUR** in connection with educational services since at least as early as October 18, 1991.

4. EMI owns a family of marks registered with the U.S. Patent and Trademark Office, which consist of or include the **ENTREPRENEUR** mark:

TRADEMARK	CLASS: GOODS/SERVICES	REG. NUMBER REG. DATE
ENTREPRENEUR	35: Advertising and business services, namely, arranging for the promotion of the goods and services of others by means of a global computer network and other computer online services providers; providing business information for the use of customers in the field of starting and operating small businesses and permitting customers to obtain information via a global computer network and other computer online service providers and; web advertising services, namely, providing active links to the websites of others	2,263,883 July 27, 1999
ENTREPRENEUR	16: Paper goods and printed matter; namely magazines, books and published reports pertaining to business opportunities	1,453,968 August 25, 1987
ENTREPRENEUR	35: Arranging and conducting trade show exhibitions in the field of entrepreneurial activities, namely the start-up and operation of small business enterprises 41: Educational services, namely, conducting seminars on the development and operation of businesses, and conducting work shops on computer technology, telecommunications, marketing, financing options, real estate management, tax planning and insurance	2,502,032 October 30, 2001
ENTREPRENEUR	9: Pre-recorded audio and visual media namely CDs, videotapes, audiotapes, and floppy discs featuring programs geared to business owners and interested members of the general public concerning starting, owning and operating businesses 41: Production of radio and television programs geared to business owners and interested members of the general public concerning starting, owning and operating businesses	3,520,633 October 21, 2008
ENTREPRENEUR.COM	9: Downloadable podcasts in the field of business, current events, lifestyle issues, and developments in science and technology 35: Providing business information and advice via a web site on a global computer network 38: Broadcasting programs via a global computer network; and streaming of audio and video material via the Internet; telecommunications services, namely, transmission of podcasts	3,519,022 October 21, 2008
ENTREPRENEUR CONNECT	42: Online business networking services in the nature of creating and hosting a community for registered users to create professional profiles, to participate in group discussions, to make business contacts, and to upload onto the website materials promoting their businesses, products and services	3,652,950 July 14, 2009

TRADEMARK	CLASS: GOODS/SERVICES	REG. NUMBER REG. DATE
ENTREPRENEUR ENESPANOL.COM	35: Advertising and business services, namely, arranging for the promotion of goods and services of others by means of a global computer network and other computer online service providers; providing business information for the use of customers in the field of starting and operating businesses and permitting customers to obtain information via a global computer network and other computer online service providers; internet advertising services, namely, promoting the goods and services of others by providing a web site with active links to their websites featuring their goods and services	3,266,532 July 17, 2007
ENTREPRENEUR EXPO	35: Arranging and conducting trade show exhibitions in the field of entrepreneurial activities, namely the start-up and operation of small business enterprises	2,391,145 October 3, 2000
ENTREPRENEUR MAGAZINE'S SMALL BUSINESS EXPO	35: Promoting and arranging shows and exhibitions pertaining to fields of entrepreneurial interest, franchising, and the initiation and operation of small business enterprises 41: Educational services, namely, conducting seminars and work shops on subjects relevant to starting and operating small businesses, including computer technology, telecommunications, marketing, financing options, franchising, tax planning and insurance	2,408,039 November 28, 2000
ENTREPRENEUR PRESS	16: Paper goods and printed matter, namely, books, manuals, prepared reports, work books, study guides, legal and business forms, and newsletters concerning advice and information relating to the subjects of starting, running and operating a business, and individuals who succeeded in business, which subjects are of interest to entrepreneurs, new and existing businesses and members of the general public 35: On-line ordering services featuring printed and electronically downloadable publications, namely, books, study guides, legal and business forms, and newsletters, concerning advice and information relating to the subjects of starting, running and operating a business and individuals who succeeded in business, which subjects are of interest to entrepreneurs, new and existing businesses and members of the general public	3,470,064 July 22, 2008
ENTREPRENEUR'S STARTUPS	16: Paper goods and printed matter; namely, magazines, books, booklets and published reports pertaining to business opportunities	3,204,899 February 6, 2007
WOMENENTREPRE- NEUR.COM	35: Dissemination of advertising for others via the Internet; providing business information about small business operations via the Internet; providing an online searchable database featuring business reports, advice and information regarding starting and operating small businesses 38: Providing online electronic bulletin boards for transmission of messages among computers users concerning small business operations	3,374,476 January 22, 2008

5. EMI's above registrations are valid, unrevoked, uncanceled, and in full force and effect. EMI owns these registrations and the trademarks shown thereby and all the business and goodwill connected with said marks in the United States.

6. Since the adoption and first use of its **ENTREPRENEUR** mark, EMI has made substantial and continuous use of its **ENTREPRENEUR** mark in connection with educational services.

7. EMI's **ENTREPRENEUR** mark is strong, well known, and of great value to EMI. In the mind of the trade and of the public, EMI's **ENTREPRENEUR** mark identifies and designates EMI's goods and services and distinguishes them from the goods and services of others. The United States District Court for the Central District of California ruled that EMI's mark **ENTREPRENEUR** has become and is a strong mark in the industry as a result of extensive advertising and public recognition over the past 25 years, which was affirmed by the Ninth Circuit Court of Appeals. *Entrepreneur Media, Inc. v. Smith*, 279 F.3d 1135 (9th Cir. 2002).

8. By the application herein opposed, Applicant seeks to register **ENTREPRENEUR.OLGY** for services in Class 41.

9. Applicant's mark so resembles EMI's previously used and registered **ENTREPRENEUR** mark and is therefore likely, when used in connection with Applicant's services, to cause confusion, mistake, or deception with consequent injury to EMI and the public.

10. EMI will be damaged by the registration sought by Applicant because such registration would support and assist Applicant in the confusing, misleading, and deceptive use of Applicant's mark and would give to Applicant color of exclusive statutory rights to such

designation in violation of EMI's superior rights.

WHEREFORE, EMI believes that it will be damaged by the registration of Applicant's mark and prays that it be denied.

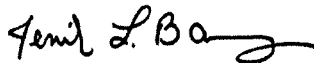
Please recognize as attorneys for EMI Perry J. Viscounty, Michael W. DeVries, Julie L. Dalke, Deborah A. Gubernick, and the law firm of Latham & Watkins LLP, 650 Town Center Drive, Suite 2000, Costa Mesa, California 92626-1925, as well as Jennifer L. Barry and the law firm of Latham & Watkins LLP, 600 West Broadway, Suite 1800, San Diego, California 92101-3375. Please address all communications to Jennifer L. Barry of Latham & Watkins LLP at the address set forth below.

Dated: December 7, 2010

Respectfully submitted,

LATHAM & WATKINS LLP

By:



Jennifer L. Barry
600 West Broadway, Suite 1800
San Diego, California 92101-3375
(619) 236-1234 / (619) 696-7419 Fax
jennifer.barry@lw.com, ipdocket@lw.com

Attorneys for Opposer
Entrepreneur Media, Inc.

CERTIFICATE OF SERVICE

I hereby certify that true and complete copies of the foregoing **NOTICE OF OPPOSITION** has been served on Daniel R. Castro by mailing said copies on December 7, 2010 via First class Mail, postage prepaid to:

Daniel R. Castro
Castro & Baker, LLP
10509 Pointeview Dr
Austin, TX 78738-5522



Adam Kummins